



# **Polk County Sheriff's Office**

## **Inter-Office Memorandum**

Date: August 13, 2020  
To: Deputy Smith  
From: Sergeant Ball  
Subject: **Statement of Reasons**

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Pursuant to Article 35 (I), this memorandum serves as a "Statement of Reasons" regarding the Internal/Administrative Investigation in regards to an apparent lack of situational awareness (decision making) in multiple incidents that was initiated on May 29, 2020 and the associated *Letter of Reprimand* you are receiving. Please feel free to contact me with any questions you might have concerning this document.

### **Concern / Complaint:**

During your tenure (four years and nine months) with the Polk County Sheriff's Office you have been involved in numerous (seven) incidents involving property damage. In six of these incidents you were found to be at fault and/or the incidents to be preventable. Nearly all of these incidents involved damage to Polk County Sheriff's Office patrol vehicles. One incident that began as an attempted civil service involved damage to a residence as a result of forced entry.

A superficial review of these incidents, and apart from one another could be chalked up to "bad luck." However, the rate at which you're experiencing these incidents is higher than that of your peers. Based on the information above, it is alleged that there is an apparent lack of situational awareness, specifically related to decision making. Therefore, a more comprehensive review and investigation into these incidents as a whole was required to determine the underlying causation.

### **Investigation:**

I conducted an investigation into the matter at the direction of Lieutenant Newman. I compiled and reviewed the incidents you were involved in and where possible the supervisory review for that specific incident. I met with you and allowed you an opportunity to discuss the incidents. At the beginning of that meeting you provided me with a seven page response memo addressing the incidents, which was attached to the file. After reviewing the memo and subsequently speaking with you the disparity in

- *"Members shall not engage in controversial conduct or behavior (committed on or off duty) that brings about public criticism and causes administrative staff or supervisory personnel to spend an atypical amount of time and management cost to investigate or respond to the criticism."*

The documented incidents has required multiple entities outside of the Sheriff's Office to become involved, such as the Polk County Shops and local auto body shops to repair damaged patrol vehicles, County Counsel, County Administrative Officer, and County Commissioners. This has undoubtedly lead to greater scrutiny as well as conversations (public criticism) casting the Sheriff's Office in a negative light. These incidents caused supervisory staff to spend an atypical amount of time in investigations and documentation.

*Polk County Sheriff's Office Policy 8.10 Vehicles; Use, Service, Repairs and Equipment – Section VII Use of Vehicles A (2) – General*, states;

- *"Office vehicles will be operated in a reasonable and proper manner."*

You did not operate your patrol vehicle with due regard for the safety of all other persons. Traveling 80 mph in a posted 45 mph speed zone at night without emergency lights or siren is not operating in a reasonable and proper manner.

The following policies were documented as **NOT SUSTAINED**;

*Polk County Sheriff's Office Policy 1.01 Professional Ethics and Standards – Section IX Professional Conduct E – Conforming to Policy.*

- I have Not Sustained this as a policy violation as I believe the above listed policy violations more closely align with the documented conduct and findings.

*Polk County Sheriff's Office Policy 1.02 Sheriff's Office Standards – Section XI Violation of Personal Conduct A (1) – Unbecoming Conduct.*

- I have Not Sustained this as a policy violation as I believe the above listed policy violations more closely align with the documented conduct and findings.

I have made the decision to exercise discipline in this matter by way of *Letter of Reprimand*. I believe the violations noted above and the **SUSTAINED** allegation of lack of situational awareness, specifically related to decision making has been identified as a causational factor in the numerous documented incidents.

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*"Pride, Commitment, Service to Others"*